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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,233	12/12/2003	Jean Gehrig	CAB-129-A	1850

7590 04/30/2008
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EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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04/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/735,233	Applicant(s) GEHRIG ET AL.	
	Examiner Tan Le	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/26/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first office action for Application No. 10/735,233, filed 12/12/03. This application contains 7 claims numbered 1-7.

Preliminary amendment filed 10/32/07 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 4/26/07 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claim 4 is objected to because “the optical glass” is drawn into the claim while the optical glass does not appear to be of the claimed invention (see the preamble). This also raises a question of whether the subcombination of the glass holder alone or the combination of the glass holder and optical glass is being claimed. The examiner considers claim 4 drawn to the combination of holder device and the optical glass for examination purposes.

Claim 1 recites “the axis” of the body” (last line) lacks of antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent no. 5,511,705 to Dreszer.

Dreszer teaches an interchangeable tool and fastener carrying and storage system, which includes holder grips 44, 48, 50, 52, an axially elongated bar (6 or 7) for supporting the holder grips, and a frame 30 for supporting the bar horizontally, wherein the bar (6, 7) includes a series of evenly spaced positioning notches (36) for removably mounting a respective plurality of holder grips to the bar and next to one another. The holder grip comprises an axially elongated body having opposite upper and lower end portions, the upper end portion including hanging means (U-shaped -hook) for joining the holder grip in a removable way to a respective notch 36 in the bar (6, 7) and locking means (considers an distal end of the U-shaped hook bending inward and snap-fit in the notch constituting a lock) for preventing free rotation of the holder grip relative to the bar; and holding means (considers lower portion of frame 30 and 40 and 42) in substantially vertical relation and parallel to an axis of the body.

Dreszer discloses the elongated bar 6 or 7 generally in rectangular shape with notches, but not a cylindrical shape. However, Applicant has not disclosed that having

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the elongated bar in cylindrical shape solves any stated problem or for any particular purpose. It appears that the elongated bar of rectangular shape would perform equally well with the elongated bar of any other shapes. Accordingly, the use of elongated bar of cylindrical shape is deemed to be a designed consideration which fail to patentably distinguish over the prior art of Dreszer.

Allowable Subject Matter

Claims 3-7 are objected to but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

2008/0029466 to Gehrig et al.

5,491,878 to Janouschek

5,864,924 to Rodriguez

5,794,312 to O'sMahony

2,884,219 to Glover

5,372,345 to Schmidt

6,330,962 to Rodiguez

6,134,753 to O'mahony

The above patent discloses various types of glass holders.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amy J. Sterling/
Primary Examiner, Art Unit 3632
4/28/08

/T. L./
Examiner, Art Unit 3632